

# SENATE, No. 524

---

## STATE OF NEW JERSEY 216th LEGISLATURE

---

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

**Sponsored by:**

**Senator NIA H. GILL**

**District 34 (Essex and Passaic)**

**SYNOPSIS**

Prohibits practice of requiring credit check as condition of employment.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1    **AN ACT** concerning employer discrimination and supplementing  
2       Title 34 of the Revised Statutes.

3

4       **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5       *of New Jersey:*

6

7       1. No employer or employer's agent, representative, or  
8       designee shall seek to obtain or require a current or prospective  
9       employee to provide or consent to the creation of a credit report that  
10      contains information about the current or prospective employee's  
11      credit score, credit account balances, payment history, savings or  
12      checking account balances, or savings or checking account numbers  
13      as a condition of employment, unless the employer is required by  
14      law to obtain a credit report, or the employer reasonably believes  
15      that the employee has engaged in a specific activity that is financial  
16      in nature and constitutes a violation of law.

17

18      2. Nothing in section 1 of this act shall prevent a credit inquiry  
19      or employment action if credit history is an established bona fide  
20      occupational requirement of a particular position or employment  
21      classification. Credit history shall be considered a bona fide job  
22      qualification for any current or prospective employee being  
23      evaluated for a position that:

24        a. Is a managerial position which involves setting the financial  
25        direction or control of the business;

26        b. Involves access to customers', employees', or employers'  
27        personal or financial information, other than information  
28        customarily provided in a retail transaction;

29        c. Involves a fiduciary responsibility to the employer,  
30        including, but not limited to, the authority to issue payments,  
31        transfer money or enter into contracts; or

32        d. Provides an expense account for travel.

33

34      3. An employer shall not require an individual to waive or limit  
35      any protection granted under this act as a condition of applying for  
36      or receiving an offer of employment. An agreement to waive any  
37      right or protection under this act is against the public policy of this  
38      State and is void and unenforceable.

39

40      4. A person shall not retaliate or discriminate against an  
41      individual because the individual has done or was about to do any  
42      of the following:

43        a. File a complaint under this act;

44        b. Testify, assist, or participate in an investigation, proceeding,  
45        or action concerning a violation of this act; or

46        c. Otherwise oppose a violation of this act.

The bill prohibits an employer from requiring a prospective employee to waive or limit any protection granted under the bill as a condition of applying for or receiving an offer of employment.

**S524 GILL**

4

1 The bill also prohibits retaliation or discrimination against an  
2 individual because the individual has done or was about to do any  
3 of the following:

- 4 (1) file a complaint pursuant to provisions of the bill;  
5 (2) testify, assist, or participate in an investigation, proceeding,  
6 or action concerning a violation of the bill; or  
7 (3) otherwise oppose a violation of the bill.

8 Any current, prospective, or former employee aggrieved under  
9 the provisions of the bill may bring action in a court of competent  
10 jurisdiction for appropriate injunctive relief and damages, including  
11 reasonable attorneys' fees and court costs. In addition, the bill  
12 provides for the imposition of civil penalties in an amount not to  
13 exceed \$5,000 for the first violation, or \$10,000 for each  
14 subsequent violation, collectible by the Commissioner of Labor and  
15 Workforce Development.